

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

CR 94-332-RE
CR 95-224-RE

vs.

NOTICE TO APPELLANT

RACHELLE RANAE "SHELLEY"
SHANNON,

Defendant-Appellant.

REDDEN, Judge:

Pursuant to an order of the Ninth Circuit Court of Appeal, docketed in these cases and received by this court on August 5, 2005, this notice is directed to:

Rachelle Ranae Shannon
FRN 59755-065
FCI Dublin
5701 8th Street Camp Parks
Dublin, CA 94568

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with a copy to:

Stephen F. Peifer
Assistant U.S. Attorney
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2902

On November 19, 2004, I signed an opinion and order denying appellant's motion for downward departure. The opinion and order was entered on the docket of this court on November 23, 2004, in both cases. Thereafter, on December 20, 2004, appellant filed notices of appeal from the opinion and order.¹ Fed. R. App. P. 4(b) requires a notice of criminal appeal to be filed within 10 days from the entry of the order. Appellant's notices of appeal were untimely because they were filed more than 10 days after entry of the opinion and order in these cases.

Pursuant to the order of the Ninth Circuit Court of Appeals, I am providing this notice to appellant to advise her that she has the opportunity to request that the time for filing the notices of appeal be extended for a period not to exceed 40 days from the entry of the opinion and order, based on a showing of excusable neglect. She can make this request by filing with the court, without 30 days of the date of this notice, an

¹ The Ninth Circuit has *sua sponte* consolidated these cases for purposes of appeal. The notices of appeal were initially mailed by appellant directly to the Ninth Circuit Court of Appeals in San Francisco. The mailing envelope was receive-stamped on December 20, 2004, and forwarded to the United States District Court in Portland, Oregon. The notices were file-stamped at the District Court on January 1, 2005. Pursuant to Fed. R. Civ. P. 4(b)(6)(d), the notices of appeal are considered filed in the District Court on the date they were receive-stamped by the Court of Appeals.

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Pursuant to the order of the Ninth Circuit Court of Appeals, I am providing this notice to appellant to advise her that she has the opportunity to request that the time for filing the notices of appeal be extended for a period not to exceed 40 days from the entry of the opinion and order, based on a showing of excusable neglect. She can make this request by filing with the court, without 30 days of the date of this notice, an

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explanation for the untimeliness of the filing of her notices of appeal. I will then determine if she has made the required showing of excusable neglect.

Dated this 17th day of August, 2005.

/S/ James A. Redden
James A. Redden
Senior U.S. District Judge

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Dated this 17th day of August, 2005.

/S/ James A. Redden
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Senior U.S. District Judge